

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

NORGAL SEATTLE PARTNERSHIP,

Plaintiff,

V.

NATIONAL SURETY CORPORATION,
et al.,

Defendants.

Case No. C11-0720RSL

ORDER DENYING MOTION FOR SANCTIONS

This matter comes before the Court on “Defendant’s Motion for Dismissal or Sanctions for Plaintiff’s Failure to Comply with Pretrial Procedures.” Dkt. # 41.

Under the original case management schedule issued by the Court on June 22, 2011, and Local Civil Rule 16(h), plaintiff's pretrial statement was to be served on defendant no later than February 21, 2012. Dkt. # 13. Plaintiff did not, however, serve its statement. On March 1, 2012, defendant moved for dismissal of the above-captioned matter as a sanction for failing to comply with the case management order.¹

On March 7, 2012, the Court struck the trial date and all remaining deadlines, including the deadline for submitting the pretrial order, pending its ruling on two outstanding motions for summary judgment. The summary judgment motions are scheduled for oral argument on April 18th, and the case management order will be reset

¹ Defendant also moved for sanctions for a presumed violation of the March 5, 2012, mediation deadline. A request for sanctions for a violation that had not yet occurred is premature.

1 after the motions are resolved. Although plaintiff's failure to timely serve its pretrial
2 statement is troubling, there is no indication that defendant made any effort to confer
3 with plaintiff regarding this scheduling dispute, and defendant has not been prejudiced
4 by the failure. The Court therefore declines to impose sanctions.

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6 For all of the foregoing reasons, defendant's motion for dismissal or
7 sanction (Dkt. # 41) is DENIED.

8 Dated this 4th day of April, 2012.
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United States District Judge
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